In the High Court of Punjab and Haryana, Chandigarh.

Civil Revision No.5284 of 2007

Date of Decision: 12.10.2007

Daya Nand

…Petitioner

Versus

Pawan Kumar and Another

…Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Chanakya Pandit, Advocate
for the petitioner

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated August 11, 2007 passed by the learned Additional Civil Judge (Senior Division), Ganaur, whereby the application filed by the petitioner for being impleaded as defendant in the suit filed by respondent No.1 against respondent No.2 for possession by way of specific performance of agreement to sell, was dismissed.

The claim made in the suit was for specific performance of agreement to sell dated December 10, 2004. The plea raised in the application for being impleaded as defendant in the suit was that the respondent No.1 had executed agreement to sell regarding the same property in favour of the petitioner on July 5, 2002 , which is prior in time, accordingly once the same property is in question before the Court, he was necessary party.

Having heard learned counsel for the petitioner, I do not find any substance in the contentions raised by learned counsel for the petitioner.

Admittedly, he is not a party to the agreement to sell which is sought to be enforced in the present suit. In case he had any agreement to sell in his favour executed by respondent No.1, he has his own rights flowing from that agreement and the same are not to be considered in the present suit especially when learned counsel for the petitioner admitted before this Court that he had already filed a suit for specific performance.

In view of above, I do not find any merit in the present petition and the same is dismissed in limine.

(Rajesh Bindal)
Judge

October 12, 2007
"DK"